

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

In re:)	Case No. 09-02448-8-ATS
James Richard Hart, Sr.,)	(Chapter 7)
)	
Debtor.)	

RESPONSE TO MOTION TO DISMISS PURSUANT TO 11 U.S.C. § 707(b)(3)
AND REQUEST FOR HEARING

The Debtor, by and through undersigned counsel, respond to the Motion to Dismiss, filed by the Bankruptcy Administrator, on June 26, 2009, as follows:

The Debtors oppose the granting of the Motion to Dismiss on the grounds that his filing is not an abuse, and is, in fact, quite far from it. The Debtor is 72 years old and makes less than \$1,000.00 per month. The Debtor's wife makes a good salary, but is near retirement, and the Debtor qualifies for a Chapter 7 Discharge. The Debtor will respond to the specific allegations in the Bankruptcy Administrator's Motion as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Denied.
7. Denied.

The Debtor states that a mistake was made in his Petition preparation, and that there is no lien against the Harkers Island Real Estate. The lien listed against that

property is actually a second mortgage against the Debtor's non-filing spouses' residence. The Debtor pays that second mortgage which created the misunderstanding with Debtor's counsel regarding the nature of the lien. The Harker's Island property is unencumbered and owed as tenancy by the entireties with the Debtor's spouse.

The Debtors states that all of his claim expenses are reasonable and necessary.

WHEREFORE, Debtors pray the Court for the following relief:

1. The Motion to be denied;
2. Any further relief the Court deems appropriate.

DATED: July 17, 2009

Bradford Law Offices

S/Danny Bradford

Danny Bradford
State Bar No. 23011
6512 Six Forks Road, Suite 304
Raleigh, NC 27615
(919)758-8879

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the attached Response and Request for Hearing was served upon all parties of interest by CM/ECF Electronic service and/or by depositing said copy in an official depository of the United States Postal Service, postage paid and properly addressed as follows:

Bankruptcy Administrator
434 Fayetteville Street Mall, Suite 620
Post Office Box 3039
Raleigh, North Carolina 27602-3039

DATED: July 17, 2009

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